

Title 10
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.49 Telehealth Services

Authority: Health-General Article, §§2-104(b) and 15-105.2(b), Annotated Code of Maryland; Ch. 280, Acts of 2013

Notice of Proposed Action

[16-015-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.02**, **.05**, and **.07** under **COMAR 10.09.49 Telehealth Services**.

Statement of Purpose

The purpose of this action is to clarify that certain substance use disorder treatment providers are included as originating sites.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through February 8, 2016. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) *“Community-based substance use disorder provider” means a provider licensed by the Department as a community-based substance use disorder provider in accordance with COMAR 10.09.80.*

[(3)] (4)—[(7)] (8) (text unchanged)

(9) *“Opioid treatment program” means a program licensed by the Department in accordance with COMAR 10.09.80.*

[(8)] (10)—[20] (22) (text unchanged)

.05 Covered Services.

Under the Telehealth Program, the Department shall cover:

A. (text unchanged)

B. Medically necessary [consultation] services covered by the Maryland Medical Assistance Program rendered by an approved distant site provider that can be delivered using technology-assisted communication.

C. (text unchanged)

D. The professional fee for an approved distant site provider for initial telehealth [consultation for] services furnished before, during, and after communicating with the Medical Assistance participant presenting in a hospital emergency department setting if:

(1) (text unchanged)

(2) The initial telehealth [consultation] *service* is distinct from the care provided by the physician of record or the attending physician;

E. (text unchanged)

.07 Provider Conditions for Participation.

A. (text unchanged)

B. Approved Originating Site. The following sites may be approved as an originating site for Telehealth Program service delivery:

(1) (text unchanged)

(2) *A community-based substance use disorder provider;*

[(2)] (3)—[(7)] (8) (text unchanged)

(9) *An opioid treatment program;*

[(8)] (10)—[(10)] (12) (text unchanged)

C. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene